

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:05CR288
	)	
v.	)	
	)	
DWAYNE YOUMANS,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the court on the defendant, Dwayne Youmans' ("Youmans"), motion for modification of sentence pursuant to 18 U.S.C. § 3582 (C)(2), [Filing No. 116](#). On December 7, 2005, Youmans plead guilty to one count of distribution of more than five grams of a mixture or substance containing a detectable amount of cocaine base, in violation of 21 U.S.C. § 841(a)(1). On March 10, 2006, Youmans was sentenced to a term of imprisonment of 60 months. Under 21 U.S.C. § 841(b)(1)(B)(iii), the defendant is subject to a five-year minimum sentence and, therefore, his sentence of 60 months is the lowest possible sentence under the requirements of the statute. The recent changes to the sentencing guidelines do not permit the court to enter a sentence lower than the statutory requirements, and thus, the defendant's motion for sentence reduction is denied.

IT IS ORDERED that Youmans' motion for modification of sentence pursuant to 18 U.S.C. § 3582 (C)(2) (Filing No. 116) is denied.

DATED this 22<sup>nd</sup> day of May, 2008.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief District Judge